



Docket No.: NEL-0020  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
R. Elaine Fulton et al.

Application No.: 10/807,194

Confirmation No.: 3760

Filed: March 24, 2004

Art Unit: 1648

For: GENETICALLY BIOTINYLATED  
RECOMBINANT ANTIBODY IN  
IMMUNOFILTRATION ASSAY BY LIGHT  
ADDRESSABLE POTENTIOMETRIC  
SENSOR FOR IDENTIFICATION OF VEE

Examiner: M. Franco G. Salvoza

**DECLARATION UNDER 37 C.F.R. § 1.132**

We, Mr. Wei-Gang Hu<sup>(i)</sup>, Mr. Azhar Z. Alvi<sup>(ii)</sup>, Ms. R. Elaine Fulton<sup>(iii)</sup>, and Mr. Les P. Nagata<sup>(iv)</sup>, state:

1. We reside at:

(i) Mr. Wei-Gang Hu  
308-672 College Drive SE  
Medicine Hat, AB T1A 7R5

(ii) Mr. Azhar Alvi  
3940 Nightshade Lane  
Mississauga, ON L5N 7J4

(iii) Ms. R. Elaine Fulton  
2596 12<sup>th</sup> Avenue SE  
Medicine Hat, AB T1B 1V6

(iv) Mr. Les Nagata  
148 Sunset Drive SW  
Medicine Hat, AB T1B 4T7

and make this declaration based on our knowledge and belief.

2. We are research scientists for The Minister of National Defense, of 101 Colonel By Drive, Ottawa, Ontario, Canada K1A 0K2, and have been employed by The Minister of

National Defense, for the periods listed below.

Mr. Wei-Gang Hu - 6 Years

Mr. Azhar Z. Alvi - 3 Years (currently employed elsewhere)

Ms. R. Elaine Fulton - 29 Years

Mr. Les P. Nagata - 17 Years


3. We are the authors named in *Hu et al.*, "Genetic Engineering of Streptavidin-Binding Peptide Tagged Single-Chain Variable Fragment Antibody to Venezuelan Equine Encephalitis Virus," Hybridoma and Hybridomics, Vol. 21, No. 6, Pages 415-420, Mary Ann Liebert, Inc. (2002), published December, 2002 (hereinafter *Hu et al.*)

4. The invention disclosed in claims 1-5 of the present application but not claimed in *Hu et al.* was derived by Mr. Wei-Gang Hu, Mr. Azhar Z. Alvi, Ms. R. Elaine Fulton, and Mr. Les P. Nagata, the inventors of the present patent application.


5. Thus, *Hu et al.* does not constitute a valid prior art reference against the present application since the reference does not constitute an invention "by another" as required under U.S. practice.

6. We hereby declare that all statements made herein based on our knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Executed on 10. Aug., 2006

  
Signed by Mr. Wei-Gang Hu

Executed on 14 Aug., 2006

  
Signed by Mr. Azhar Z. Alvi

Executed on 10 August 2006

R. Elaine Fulton  
Signed by Ms. R. Elaine Fulton

Executed on 20 August 2006  
L. P.

L. P. Nagata  
Signed by Mr. Les P. Nagata